

Appl. No. 10/889,112
Response to Office action of August 31, 2005
Page 7

REMARKS

I. Claim Rejections – 35 USC § 102

Claim 84 was rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hall et al. (6,652,517). Claim 84 was amended to include the limitation to retracting the shaping device before pressing the ablation section against tissue surrounding a pulmonary vein. In the present office action, claim 84 is rejected as being without support in the specification. If amended to delete the “retracting” limitation, the office action asserts that the previous rejection for anticipation is again applicable.

Hall discloses a cardiac ablation apparatus for producing a circumferential ablation. The apparatus is described as being a catheter. At a distal end of the catheter is an expandable ablation element having a preformed stylet embedded therein. The catheter slides over a centering catheter, which in turn slides over a guide wire. The catheter as illustrated has a unitary shaft.

Figure 1 of Hall is characterized in the office action as showing a basic ablation catheter system. The contention is that Hall would inherently perform the method. However, as pointed out previously, Hall shows a unitary catheter shaft. Hall fails to disclose a catheter body having distinct proximal, intermediate, and distal portions. Yet further, as currently amended, claim 84 specifies that the distal portion is more flexible than the proximal portion such that the distal portion more easily deflects relative to the proximal portion. Nowhere does Hall teach or suggest such a feature.

Accordingly, Hall cannot anticipate nor render obvious the subject matter of claims 84-86.

Appl. No. 10/689,112
Response to Office action of August 31, 2005
Page 8

II. Claim Rejections – 35 USC § 103

Claims 66-73 and 75-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (6,652,517) in view of Phan et al. (6,529,756). Claim 74 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Hall in view of Phan as applied to claim 71, further in view of Jaraczewski (5,938,694).

Hall is relied upon as disclosing the basic ablation catheter system. The indication is that the feature absent from Hall is a porous wall providing conductive fluid to the exterior surface of the ablation section. However, claim 66 is not so limited.

In response to Applicants' argument that Hall fails to disclose a catheter body (i.e., shaft) having distinct proximal, intermediate, and distal portions, the office action simply states that in view of the mere mention of a distal end portion 52 the Hall device inherently includes proximal and intermediate portions. Applicants respectfully disagree and submit that there is an inadequate basis to conclude the identity of three sections in Hall. But, nevertheless, by this response, claim 66 has been amended to specify that the distal portion is more flexible than the proximal portion such that the distal portion more easily deflects relative to the proximal portion. Nowhere does Hall mention or suggest such a feature. Moreover, there is no basis to conclude that such structure is inherent in Hall.

Furthermore, amended claim 66 specifies a second lumen extending through a proximal portion of a catheter body and an intermediate portion of the catheter body and terminating at a closed end distal to the ablation section. The office action references a stylet 57. As seen in Fig. 4, stylet 57 is formed within the body of the catheter. There is no second lumen as required by claim 66. Thus, the second lumen feature is also absent in Hall.

Based upon the foregoing, Hall cannot provide the base reference with which to combine Phan to result in a viable obviousness rejection. The combination of Hall and Phan fails to result in a structure having all the features

Appl. No. 10/689,112
Response to Office action of August 31, 2005
Page 9

set forth in amended claim 66. It follows, of course, that the rejections of the dependent claims, which also rely upon Hall, are similarly in error.

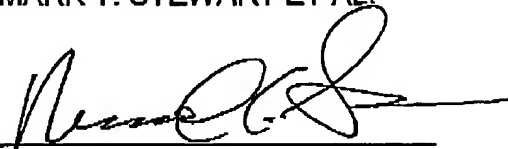
III. Conclusion

The reliance upon Hall in the stated rejections is without basis. Accordingly, each of the rejections should be withdrawn. Applicants further submit that the claims are in proper form and condition for allowance.

Respectfully submitted,

MARK T. STEWART ET AL.

November 30, 2005
Date



Michael C. Soldner
Reg. No. 41,455
(763) 514-4842
Customer No. 27581